

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY  
(609) 989-2040

CHAMBERS OF  
TONIANNE J. BONGIOVANNI  
UNITED STATES MAGISTRATE JUDGE

U.S. COURTHOUSE  
  
402 E. STATE STREET, RM 6052  
TRENTON, NJ 08608

July 28, 2008

**LETTER ORDER**

**Re: Maniscalco, et al. v. Brother International Corporation (USA),  
Civil Action No. 06-4907 (FLW)**

Dear Counsel:

On Thursday, July 24, 2008, the Court received the Maniscalco Plaintiffs and Defendant Brother International Corporation (USA)'s ("BIC") emergent request for a temporary sealing order that would permit the Maniscalco Plaintiffs to file their Third Amended Complaint under seal. The parties seek such an order because the Maniscalco Plaintiffs' Third Amended Complaint refers to information that BIC has designated as "Confidential" pursuant to the parties' stipulated protective order.<sup>1</sup> Further, while the Maniscalco Plaintiffs must file their Third Amended Complaint no later than July 28, 2008, BIC, due to pre-existing commitments, will not be in a position to file a formal motion to seal until August 15, 2008.

The Court notes that but for the fact that the parties are not in a position to file the Maniscalco Plaintiff's Third Amended Complaint and BIC's corresponding motion to seal simultaneously, they would be able to take advantage of the temporary sealing provisions set forth in L.Civ.R. 5.3(c)(3). The inapplicability of L.Civ.R. 5.3(c)(3) notwithstanding, the Court notes that

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<sup>1</sup>Under the stipulated protective order, the Maniscalco Plaintiffs are required to file under seal any documents that contain information that BIC has designated as "Confidential", and BIC, in turn, is required to file a formal motion to seal that complies with L.Civ.R. 5.3 and the legal standards set forth therein.

pursuant to L.Civ.R. 5.3(c)(6), it may, based on an emergent application, seal materials on a temporary basis.

Consequently, based upon the parties' application, the Court shall permit the Maniscalco Plaintiffs to temporarily file their Third Amended Complaint under seal. The Maniscalco Plaintiffs' Third Amended Complaint shall remain under seal until such time as the Court renders a decision on BIC's formal motion to seal same. BIC shall file its formal motion to seal no later than **August 22, 2008** and BIC's motion shall be returnable on September 15, 2008. The Court reminds BIC to make certain that its formal motion to seal complies fully with the provisions set forth in L.Civ.R. 5.3(c)(2).

**IT IS SO ORDERED.**

s/ Tonianne J. Bongiovanni  
**TONIANNE J. BONGIOVANNI**  
**United States Magistrate Judge**